

**Wisconsin Department of Health and Family Services  
Division of Children and Family Services**

**THE EMERGENCY FOOD ASSISTANCE PROGRAM  
(TEFAP)**

**Procedures Manual**

**Revised February 2002**

## TABLE OF CONTENTS

<b>Background.....</b>	<b>1</b>
<b>TEFAP Administration.....</b>	<b>2</b>
<b>Program Objectives .....</b>	<b>3</b>
<b>Prohibited Activities .....</b>	<b>5</b>
<b>Recipient Eligibility &amp; Maintenance of Records .....</b>	<b>6</b>
<b>Household Definition &amp; Household Income .....</b>	<b>7</b>
<b>Food Pantries, Soup Kitchens &amp; Shelters.....</b>	<b>8</b>
<b>TEFAP Accessibility &amp; Anti-Discrimination.....</b>	<b>10</b>
<b>Rural Initiative .....</b>	<b>12</b>
<b>Public Outreach.....</b>	<b>13</b>
<b>TEFAP Program Integrity and Monitoring .....</b>	<b>14</b>
<b>Food Ordering .....</b>	<b>15</b>
<b>Shipment of Product/DPI .....</b>	<b>17</b>
<b>Commodity Storage, Handling &amp; Liability.....</b>	<b>19</b>
<b>TEFAP Losses &amp; Fraud.....</b>	<b>20</b>
<b>Out of Condition Product &amp; USDA Website .....</b>	<b>21</b>
<b>Advisory Councils .....</b>	<b>22</b>
<b>Glossary of Terms .....</b>	<b>23</b>

\*\*\*\*\*

### Attachments

*(Attachments will be included in the final printed edition.)*

Access Plan Template

Commodity Ordering Instructions

Warehousing Standards & Food Safety Resources

USDA Food Recovery & The Emerson Good Samaritan Food Donation Act

Spanish Translations & Migrant Outreach

Client Choice & Issuance Rate Examples

UW Extension & Additional Resources

Code of Federal Regulations (CFR) for TEFAP,  
USDA Non-Discrimination Statement,  
& Excerpts from Title III of the Americans with Disabilities Act & Section 504 of the  
Rehabilitation Act of 1973

TEFAP Forms

## **BACKGROUND**

The Emergency Food Assistance Program (TEFAP) is a federal program that provides food assistance to low-income families through the distribution of food available from the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS). TEFAP is a supplemental food assistance program that is designed to work in combination with other assistance programs in efforts to maximize and target limited food and funding resources. The program is administered through USDA at the federal level and the Department of Health and Family Services (DHFS), Division of Children and Family Services (DCFS) at the state level.

Congress currently mandates a minimum of \$100 million annually for the purchase of food by USDA through the federal price-support program and other sources. These funds are allocated to each state based on a formula using the current weighted poverty and unemployment index. In FFY 2000, Wisconsin's fair share of USDA entitlement dollars along with bonus food offers provided approximately 3.4 million (gross) pounds of entitlement food and approximately 1.6 million (gross) pounds of bonus food with a combined value of over 2.8 million dollars. In FFY 2001, bonus food offers dramatically increased to 7.8 million (gross) pounds, along with 3.3 million (gross) pounds of entitlement food, with a combined value of over 6.4 million dollars.

Wisconsin limits the distribution of TEFAP commodities to Emergency Feeding Organizations (EFOs) and eligible outlets (pantries, soup kitchens and shelters). USDA/FNS defines an Emergency Feeding Organization (EFO) as a public or nonprofit tax-exempt agency that provides nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons including low-income and unemployed persons.

In FFY 2001, DHFS contracted with thirteen Community Action Agencies, the Hunger Task Force of Milwaukee, St. Vincent de Paul Community Center of Portage County, and the Menominee Tribe to administer TEFAP statewide. By contracting with local agencies, DHFS is able to ensure a more effective and comprehensive system to assist in promoting self-sufficiency to the families and individuals served by TEFAP. This contracting process has resulted in a logical progression consistent with the Department's goals to consolidate contracts, improve efficiency and provide effective monitoring in local communities.

Wisconsin households are eligible to receive commodities at participating food pantries if the total gross income for the household does not exceed 185 percent of the federal poverty level. There are no income eligibility criteria for persons who voluntarily seek meals at soup kitchens or homeless shelters.

Over 185 pantries statewide distributed TEFAP commodities and other non-USDA food to approximately 350,000 households (duplicated count) between October 1, 1999 through September 30, 2000. Approximately 40 soup kitchens and 30 homeless shelters statewide prepared and served approximately 1.4 million meals (duplicated count) with food provided through TEFAP and other sources during this period.

## **TEFAP ADMINISTRATION**

### **Federal Administration**

The Emergency Food Assistance Program (TEFAP) is administered nationally by the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS). Federal regulations specific to TEFAP are covered in the Code of Federal Regulations (7 CFR, Section 250 and 251). States are referred to in the federal law as the Distributing Agency (DA). The State contracts with local entities, which are defined as Emergency Feeding Organizations (EFOs).

### **State Administration**

The State of Wisconsin has designated the Department of Health and Family Services (DHFS) as the State agency responsible for administration of TEFAP. Within DHFS, TEFAP is assigned to the Bureau of Programs and Policies (BPP) in the Division of Children and Family Services (DCFS).

### **Local Administration**

The USDA/FNS requires states to give priority for the distribution of TEFAP commodities to organizations that meet the definition of an Emergency Feeding Organization (EFO). An Emergency Feeding Organization shall be a public or nonprofit organization that provides nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons. The DHFS selects interested EFOs based on their administrative and operational abilities. The EFO *and its outlets* must be federally tax-exempt, non-profit, private or governmental agencies legally authorized to operate in the State of Wisconsin. A non-profit organization must have a Not-For-Profit corporation charter from the Wisconsin Secretary of State and verification from the Internal Revenue Service (IRS) of exemption from federal income tax liability as stated in Section 501 (c) (3) of the Internal Revenue Code. In addition, eligible organizations must have maintained an established operation with at least two years prior experience in providing food to needy and homeless persons on a regular basis.

The DHFS contracts with 16 Emergency Feeding Organizations (EFOs) statewide to administer the local distribution of TEFAP commodities. This includes 13 Community Action Agencies (CAAs), the Menominee Indian Tribe, Hunger Task Force of Milwaukee, and St. Vincent de Paul Community Center of Portage County. The EFOs in turn have subcontracts with approximately 185 pantries, 40 soup kitchens and 30 homeless shelters statewide.

## PROGRAM OBJECTIVES

The United States Department of Agriculture (USDA) allows the State some discretion for the administration of TEFAP. **However, since this program is distributing food to the public it must abide by Federal, State and local food safety regulations as well as maintain a fair, nondiscriminatory method of distributing TEFAP food to eligible recipients.**

The State of Wisconsin Department of Health and Family Services has developed the following standards of excellence and program outcomes as prerequisites for funding Emergency Feeding Organizations:

- EFOs must ensure that their outlets are storing (and preparing, if applicable) commodities in compliance with government food safety standards to protect the public from potential foodborne illnesses. EFOs must provide TEFAP personnel/volunteers with training and educational materials to *ensure* safe food handling and storage procedures are being adhered to. EFOs are responsible for monitoring their sites for compliance (thermometers, properly maintained refrigerators, freezers, pest control, etc.) and reporting any commodity losses or complaints. **The EFO assumes liability for loss of TEFAP commodities** by failure to provide proper storage, care or handling, theft, fire and natural occurrences. The EFO must provide insurance coverage, or have proof of unencumbered assets, of at least the value of the maximum quantity of commodities expected in possession at any one time.
- The EFO must have an established fiscal management system (including audit procedures) that assures proper stewardship of Federal and State funds in order to maintain program integrity and public confidence.
- EFOs must demonstrate the ability to provide TEFAP coverage in each of their counties and encourage TEFAP outlets to maintain consistent hours of operation in order to achieve optimal accessibility of emergency food to clients. Pantries must provide a means for clients to access emergency food during non-scheduled hours. However, emergency access to food should not be a substitute for more frequent, consistent hours of operation.
- TEFAP outlets must have a system to connect clients with other community support services. EFOs must coordinate food assistance and nutrition education efforts with other community organizations that serve low-income persons (UW Extension, local Public Health agencies, etc.) to promote self-sufficiency strategies and ensure community needs are being met without unnecessary duplication of efforts.
- EFOs will encourage client choice at pantries in order to maintain clients' dignity and reduce waste from unwanted commodities.
- EFOs must serve clients at a minimum of every thirty days (can serve more often, but must serve at least once every thirty days).

- EFOs must submit a written Access Plan to DHFS that describes the agency’s procedures to ensure access to TEFAP services in each county of its service area. The Access Plan must describe the agency’s administration and implementation of program standards. Access Plans will be valid for a three-year period provided DHFS has an approved Access Plan on file for each EFO. EFOs will be required to submit changes/amendments in the interval. A template was developed by WISCAP to provide guidance and is included as an attachment in the procedures manual.
- EFOs will demonstrate an ability and willingness to match TEFAP *entitlement* food with non-USDA food or non-food items, and integrate these products as much as possible to provide a well balanced, 3-5 day supply for clients. EFOs must not order **“commodities in excess of anticipated use based on inventory records and controls, or in excess of its ability to accept and store such commodities.”** [CFR 251.4(f)]

The match component is a “good faith” measure that assures DHFS that the EFO is not operating commodity-only, mass distribution sites. The match component also promotes community self-sufficiency through food drives, gleaning, community gardens and fundraising activities. USDA requires that EFOs **“not diminish their normal expenditures for food because of receipt of commodities.”** [CFR 251.4(b)]

## PROHIBITED ACTIVITIES

- Sale or other disposal of TEFAP commodities is strictly prohibited. The sale, exchange, or use of commodities for personal gain or any other form of fraud or abuse is subject to Federal and/or State prosecution.
- TEFAP participants cannot be solicited for money, material or services as a condition of receiving TEFAP commodities. Participants cannot be required or “pressured” to attend, participate or join the organizations distributing commodities. The EFO must assure that predominately needy persons are receiving meals at the prepared meal sites and that the meals are not being served primarily for social or fellowship purposes.
- **TEFAP outlets cannot require Social Security numbers or immigration status to access TEFAP services.** The Privacy Act of 1974 prevents states from requiring that an individual disclose his or her Social Security number (SSN) unless there is a specific federal statute that mandates such disclosure. TEFAP regulations **do not** require Social Security numbers or length of residency. If an outlet is requesting individuals to **voluntarily** provide their SSNs, the outlet must make clear that disclosure is voluntary and explain what will be done with SSNs that are disclosed.
- Political activity in any form is prohibited during the distribution of TEFAP commodities. Candidates may not make political appearances at distribution sites. Campaign literature and signs may not be evident. Bags or boxes advertising candidates or political causes may not be used to carry commodities.
- Volunteers and staff are entitled to TEFAP commodities only if they meet income eligibility requirements. Eligible volunteers and/or staff may not be given extra food to encourage their help.
- TEFAP commodities must be distributed in original packaging only. Repackaging of commodities by the EFO or its outlets is strictly prohibited unless approved by DHFS.
- TEFAP administrative funds cannot be used to purchase food. (Shared maintenance fees at food banks are not considered food purchases for program purposes.)

## RECIPIENT ELIGIBILITY AND MAINTENANCE OF RECORDS

Federal regulations require that each state set standards for determining the eligibility of households receiving commodities through TEFAP. The state standards must be based on income and household size and must include a requirement that the household live in the state, however, length of residency cannot be considered. Wisconsin requires that recipients be residents of the county in which they receive TEFAP commodities. In order to prevent duplication of services or “pantry hopping,” EFOs may ask for proof of residency such as a driver’s license, a bill with client’s address, note from landlord, etc. EFOs must not deny food to new residents or homeless persons who cannot provide proof of residency since length of residency cannot be considered. EFOs can use the address of the nearest Human or Social Services Office for homeless clients. The DHFS needs to be informed if outlets are serving residents of other counties.

**In Wisconsin, the total gross income for a household must be at or below 185 percent of the federal poverty level.** The United States Department of Health and Human Services revises poverty guidelines annually. DHFS reserves the right to change income eligibility guidelines (with input from EFOs) to maximize and target resources to our neediest citizens.

The DHFS accepts self-declaration as the means for documenting eligibility. **Needy persons receiving TEFAP commodities from a food pantry must sign the Eligibility Certification for TEFAP Commodities (CFS-2001) each time commodities are received to attest that they meet the income eligibility guidelines for the program.** The applicant’s signature places the responsibility for documenting eligibility directly on the recipient and relieves volunteers of both legal and programmatic liability. The outlet needs to consider that some clients may not be able to read or write and should be prepared to assist them in explaining the criteria and allowing them to sign with an X, then verifying with the pantry worker’s signature or initials. Outlets must not require recipients to provide Social Security numbers or immigration status for accessing commodities.

Federal regulations require states, EFOs and all outlets participating in TEFAP to maintain written records that document client eligibility and the receipt, distribution and inventory of TEFAP commodities. The DHFS has designed forms that capture this required data. EFO modification to these forms must be approved by DHFS. The EFO and/or its outlets must retain these records for a period of three years from the close of the Federal Fiscal Year to which they pertain, or until final audit resolution (see CFR 251.10 and CFR 250).

**“State agencies, subdistributing agencies, and eligible recipient agencies must maintain records to document the receipt, disposal, and inventory of commodities received under this part that they, in turn, distribute to eligible recipient agencies.” [CFR 251.10 (a)]**



## **Household Definition**

A household may be an individual, or group of related/non-related individuals, who are living as one economic unit and for whom food is customarily purchased and prepared in common.

Example: If a group of four college students live together and share household/food preparation expenses, the household size would be four and the income would be the total income of all four individuals. If each person cooks on his/her own and has his/her own food storage area, he/she is considered a household of one for participation purposes.

## **Gross Household Income**

Gross household income includes all sources of income for each member of the household before taxes. Assets are not considered in determining eligibility. Household income includes, but is not limited to, all wages, pensions, Social Security, Supplemental Security Income, Railroad Retirement, income from rented or leased property, unemployment compensation, strike benefits, veterans benefits, alimony and child support. Household income includes interest or dividends from savings, certificates of deposit, stocks and bonds but not the asset itself, as well as income from all other sources. Again, DHFS accepts self-declaration as the means for documenting eligibility.

**The applicant's signature places the responsibility for documenting eligibility directly on the recipient and relieves volunteers of both legal and programmatic liability.**

## FOOD PANTRIES, SOUP KITCHENS AND SHELTERS

Food pantries and soup kitchens in Wisconsin operate in a variety of ways. However **all outlets must maintain a fair, nondiscriminatory method of distributing TEFAP food to eligible recipients.** Hours vary widely depending upon the level of need in the area, where they are located and the resources available to the organization operating the TEFAP outlet. Qualifying outlets must be governmental agencies, non-profit organizations with 501 (c) (3) status, or be an affiliate of a religious institution. **The outlet must be public, safe and appropriate for storing and distributing food, abiding by Federal, State and local food safety regulations.** The pantry must meet Americans with Disability Act standards (see Proxy/ADA section). Larger pantries may be open several hours a day, Monday through Friday. Some pantries operate in the evening and Saturdays to serve clients whose jobs prevent them from being served during the week. However, **all pantries must maintain regular and consistent hours of operation and provide a means for clients to access emergency food during non-scheduled hours.** If a site is open less than one day per week, the EFO must continually seek to increase the number of days of operation to assure optimal accessibility to clients.

Federal regulations require states, EFOs and all outlets participating in TEFAP to maintain written records that document client eligibility and the receipt, distribution and inventory of TEFAP commodities. The EFO and/or its outlets must retain these records for a period of three years from the close of the Federal Fiscal Year to which they pertain, or until final audit resolution. For usage/planning purposes, DHFS requires pantries to report the number of households, adults and children that are served at TEFAP pantries on a monthly basis.

### **Soup Kitchens**

Soup kitchens serve nutritious meals without charge in a congregate setting. Those persons who voluntarily choose to seek a meal at a soup kitchen are considered eligible for participation and are not required to complete an application to determine eligibility. The EFO must assure that predominately needy persons are receiving meals at these sites. Soup kitchens must have regularly scheduled hours for meal service and meals must be served in a clean, secure environment following proper food handling procedures. For usage/planning purposes, DHFS requires soup kitchens to record the number of meals served on a monthly basis.

### **Shelters**

For TEFAP purposes, a homeless shelter is a facility that provides temporary residence and at least one meal a day to homeless people. A domestic violence shelter is a facility that provides temporary residence for battered women and children. Like soup kitchens, those persons who choose to seek residence in a shelter are considered eligible for participation and are not required to complete an application to determine eligibility.

### **Program Abuse**

The EFO should implement measures and strategies with its outlets to minimize the potential for duplication of services in order to prevent program abuse (pantry-hopping). To the extent possible, EFOs should establish sites with non-overlapping service areas. However, it is imperative that the EFOs establish and maintain a sufficient number of sites to ensure that emergency and supplemental food is available to all low-income eligible families and individuals within the EFO's service areas.

The EFO and local law enforcement must investigate founded allegations that commodities have been embezzled, misapplied, stolen, obtained through fraud, sold or otherwise disposed of in commercial channels. The EFO will report all losses and the action taken by the EFO and local law enforcement agencies on the Report of TEFAP Commodity Loss form (CFS-2004).

## TEFAP ACCESSIBILITY AND ANTI-DISCRIMINATION POLICIES

### **Proxy Statement**

EFOs must provide access to commodities for those who are unable to physically access a pantry and the working poor whose job may prevent them from going to a pantry during regularly scheduled hours. The minimum requirement is to allow these individuals to have another person pick up their commodities by presenting an authorizing note (proxy statement) to pantry workers. A proxy statement allows an outlet to serve homebound, handicapped or working clients. Pantries must have the following for third-party pickup:

- A proxy statement or authorizing note signed by the client, designating the presenter as the client's proxy. This person must show some form of ID and sign that they are receiving commodities on behalf of the homebound or working client. The proxy statement must be filed with the Eligibility Certification form (CFS-2001) for the outlet's records.

### **Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act**

Removal of architectural and structural barriers such as stairs or narrow doorways in existing building is required when such removal is "readily achievable," that is when the modifications can be easily accomplished without great difficulty or expense. A variety of factors are considered in making this determination, including the overall financial resources of the organization and the extent of the action required. Also to be considered is the impact of the action on the continued operation of the facility.

If the expense of removing the structural barriers will prove too costly for the outlet, other ways to comply with ADA still exist. The installation of a buzzer or intercom at a stairway would still allow the client access to the services of the site. The recruitment of additional volunteers to provide home delivery of commodities or the use of a **proxy system** is acceptable. The "readily achievable" removal of barriers might include installing grab bars, ramping a few steps, adding Braille marking to existing signs, rearranging tables or chairs, and making other modest adjustments.

The primary goal is to allow access to the services provided by the outlet if access to the facilities cannot be achieved.

## **Anti-Discrimination Policy**

Discrimination is prohibited. The “And Justice for All” poster must be clearly visible to TEFAP clients. The EFO’s public outreach program must advise participants of the provisions for nondiscrimination and procedures for filing a complaint. **(This information is on the USDA “And Justice for All” poster and is also included as an attachment.)** Reports of alleged discrimination must be mailed to the USDA address listed on the poster. DHFS may be assigned to investigate such allegations on behalf of USDA.

**“There shall be no discrimination in the distribution of foods for home consumption or availability of meals prepared from commodities donated under this part because of race, color, national origin, sex, age, or handicap.” [251.10(c)]**

It is imperative that all staff and volunteers are aware of non-discrimination laws. TEFAP workers must be nonjudgmental and nondiscriminatory when working with clients. Outlets must not require recipients to provide Social Security numbers or immigration status for accessing commodities. They must be sensitive to privacy issues and maintain client confidentiality. Pantry workers and volunteers are invaluable to the continued success of this program. Since they are at the “front line,” they represent TEFAP for the USDA and the State of Wisconsin.

## **Commodities are Supplemental**

EFOs will demonstrate an ability and willingness to match TEFAP **entitlement** food with non-USDA food or non-food items, and integrate these products as much as possible to provide a well balanced, 3-5 day supply for clients. Possible sources may include food received from food banks, privately donated food, food drives, or food purchased with monetary donations. **TEFAP administrative funds cannot be used to purchase food.** TEFAP funds may be used for the shared maintenance cost for obtaining food through food banks since this is considered an administrative handling cost for the food bank.

The EFO or pantry has the flexibility to establish and vary the issuance rates for household sizes based on the amount of product available.

The match component is a “good faith” measure that assures DHFS that the EFO is not operating commodity-only, mass distribution sites. The match component also promotes community self-sufficiency through food drives, gleaning, community gardens and fundraising activities. USDA requires that EFOs “not diminish their normal expenditures for food because of receipt of commodities.” [CFR 251.4(b)]

**EFOs need to encourage client choice at pantries in order to maintain clients’ dignity and reduce waste from unwanted commodities.**

## **Rural Initiative**

The Division of Children and Family Services (DCFS) has created the Rural Initiative to encourage the development of innovative programs designed to meet the emergency food needs of rural areas. Under the Rural Initiative, a waiver may be appropriate if the pantry is unable to achieve the non-USDA food match. The waiver request must be included in the EFO’s Access Plan. The waiver must include a written description of the EFO’s ongoing efforts to increase the level of non-USDA food available to those sites such as coordinating food and fund-raising efforts, creating cooperative food buying clubs, local food recovery/gleaning, grants, etc.

If a pantry is open less than one day per week, the EFO must describe in the Access Plan its ongoing efforts to increase days and hours of operation. However, all pantries must provide a means for clients to access emergency food during non-scheduled hours.

## **Public Outreach and Community Collaboration**

It is the EFO's responsibility to conduct appropriate outreach activities within its service area. "Word of mouth" is not to be considered a primary means of public outreach. EFOs must have established procedures to publicize and disseminate information to the general public regarding client accessibility to emergency food outlets, provisions for nondiscrimination, and procedures for filing a complaint. Publication of each outlet's name, address, and days and hours of operation **as well as information regarding accessing food in the event of an emergency outside regularly scheduled hours of operation** should be made available to local papers, Help Lines, laundromats, churches, grocery stores, senior centers, county social/human resource agencies, etc. The posting of a sign at the physical location of the site to identify it as a food pantry or soup kitchen is essential. Public Service Announcements (PSA) should be provided to local radio and television stations. Activities by the local outlets do not relieve the EFO of responsibility for conducting public outreach activities.

EFOs must coordinate food assistance and nutrition education efforts with other community organizations to achieve a coordinated approach aimed at eradicating hunger and malnutrition and to avoid duplication of effort. These partners could include UW Extension offices, Public Health agencies and local private and public social/community service agencies. Along with referrals to other nutrition programs such as WIC and Food Stamps, additional community outreach activities could include:

- English as Second Language (ESL) classes.
- Tutoring and literacy classes.
- Food safety, nutrition education, and cooking classes (through UW Extension).
- Budget planning.
- Earned Income, Homestead, and Working Families Tax Credit training seminars.
- Clothing and household goods donation/distribution sites.

## TEFAP PROGRAM INTEGRITY AND MONITORING

Representatives of USDA, the United States General Accounting Office, and DHFS or their designees retain the right to inspect commodities in storage facilities and distribution sites. They may inspect and audit all records, including financial records, and reports pertaining to the handling, storage and distribution of TEFAP commodities at any reasonable time and place. Representatives of USDA also conduct a management evaluation of the State of Wisconsin Department of Health and Family Services' administration of TEFAP every two years.

**The purpose of the monitoring process is to evaluate program operations, review record-keeping procedures and provide technical assistance for program improvement.** The monitoring visits also provide an opportunity for the EFO to ask questions, discuss concerns, and make suggestions regarding the program. On-site reviews of outlets may be unannounced. EFOs should be sure site volunteers are aware of this policy and instruct them to provide access to records and facilities to DHFS, its designees and/or USDA monitoring staff. Local storage facility reviews are conducted in coordination with the EFO reviews. DPI staff conduct on-site reviews at the commercial warehouses used to store TEFAP commodities under their Interagency Agreement with DHFS.

Following EFO and outlet monitoring, DHFS or its designee will submit a report to the EFO that includes a description of the findings, factors contributing to deficiencies, corrective action requirements and a timetable for corrective action. EFO strengths will also be acknowledged in the report. The EFO must respond to the report within 45 days after receiving the report and include a plan of action, as well as a timeline, designed to rectify any deficiencies. Follow-up reviews may also be conducted to ensure corrective actions are completed. The DHFS, or its designee, will conduct annual on-site reviews of a minimum of one-fourth of the EFOs with whom we have a contract and a minimum of 20 TEFAP outlets.

**“Each review must encompass, as applicable, eligibility determinations, food ordering procedures, storage and warehousing practices, inventory controls, approval of distribution sites, reporting and record keeping requirements, and civil rights.” [CFR 251.10 (e)(3)]**

### **EFO Selection of Outlets**

EFOs may recruit additional non-profit agencies or groups (local outlets) to assist them in the distribution of TEFAP commodities and other donated food. EFOs must subcontract with outlets on an annual basis and agreement with those outlets must coincide with the current FFY. **The EFO retains responsibility for fulfillment of all terms and conditions of the State/Agency Agreement when it enters into subcontractual agreements and must continually monitor its sites for compliance, since the EFO is ultimately responsible.** EFOs must develop an application system so non-profit organizations can apply for participation as an outlet. The EFO must inspect potential outlets prior to entering into subcontractual agreements to ensure compliance with USDA/TEFAP regulations, DHFS standards, and local public health regulations.



## TEFAP FOOD ORDERING

The Emergency Food Assistance Program of the USDA makes food available in two ways. Food is either made available using entitlement dollars, or it is made available as bonus product.

The USDA allocates entitlement dollars based on the state's poverty level (60%) and unemployment (40%). Food offers/surveys are made on a quarterly basis. Beginning with FFY 2002, the quarters will run January-March, April-June, July-September, and October-December. Each commodity offering has a truck value assigned to it. The amount of a state's entitlement is reduced by the corresponding truck value each time an entitlement order is placed.

The value of bonus items does not count against entitlement dollars. The availability of bonus items is not known until USDA makes an offer to the State, and the amount of bonus product available from one fiscal year to the next is inconsistent. The major source of bonus product is from agricultural price stabilization programs.

There are three warehouses that receive TEFAP in Wisconsin: the Northern Warehouse in Eau Claire, the Southern Warehouse in Madison, and Hunger Task Force of Milwaukee (HTFM). Each warehouse is allocated a percentage of entitlement dollars and bonus items. This percentage is based on the percentage of the state that each warehouse serves. The items shipped into each warehouse are then allocated to each county based on the county's allocation percentage. The State of Wisconsin reallocates entitlement dollars to the counties based on 50% poverty and 50% unemployment.

There are many criteria taken into consideration along with the entitlement dollars available when ordering food for each warehouse. Each emergency feeding organization (EFO) is surveyed when the USDA Quarterly Survey is released. Food preferences are ranked and the information from each EFO is entered into a spreadsheet to calculate the rankings. Food ordering is a balancing of ordering the higher ranked products, along with making the order nutritionally balanced and ordering compatible items with the same ship dates. (For example, it would be desirable to order spaghetti sauce with the same ship date as spaghetti.) Truck value is also a consideration. For example, the truck value of protein products can vary widely. Based on value, it may be more appropriate to order a truckload of frozen, whole chickens for \$30,000 than a truck of ground beef for \$65,000.

Bonus items are ordered based on the allocation percentage for each warehouse. One exception to this is fresh produce. HTFM and Community Action Coalition for South Central Wisconsin are the two agencies with capacity to receive fresh produce. Both agencies are surveyed when fresh produce is available to determine their desire for the product. Occasionally, USDA offers bonus items that may be undesirable to any outlet. A survey is then done of each EFO and an order may or may not be placed based on the results of the survey.

Even though bonus items are not charged against entitlement dollars, the State of Wisconsin is charged storage/transportation costs per gross pound of bonus and entitlement food through our contract with DPI. Due to budget constraints, these storage and transportation costs may limit the amount of bonus food the State is able to order.

**EFOs must also consider their ability to safely store and distribute additional commodities prior to ordering bonus commodities, especially fresh and frozen product.**

All offers from USDA include the number of cases that each truck carries and the ship dates that the item is available. Per USDA restrictions, one truck may only be split between two locations and no location may receive less than 25% of a truckload.

Orders for TEFAP commodities may be placed through the Interactive Voice Response (IVR) System or the DPI School Nutrition Team (SNT) web page on the Internet.

## **SHIPMENT OF PRODUCT FROM DPI WAREHOUSES TO EFOs**

The DHFS/DCFS contracts with the Wisconsin Department of Public Instruction (DPI) to receive, store, deliver, and handle claims for TEFAP commodities. EFOs must designate a central delivery location in each county served by the agency to which TEFAP commodities are shipped. Only one drop-site per county is allowed under the provisions in the Interagency Agreement with DPI. The DPI contracts with two commercial warehouses to store and transport TEFAP commodities. The commercial warehouses and carriers are selected on a competitive bid basis. The commercial warehouse in Eau Claire serves 46 northern counties with approximately 43 percent of the total food ordered for that area. The commercial warehouse in Madison serves 25 southern counties with approximately 32 percent of the food ordered and Milwaukee County (Hunger Task Force) receives approximately 25 percent of the total amount of food ordered.

EFOs receive shipments from the DPI contracted carrier on a monthly basis when product is available with the exception of July of each calendar year. There are no deliveries to EFOs during the month of July to allow DPI staff to conduct the annual inventory reconciliation at the contracted warehouses in Eau Claire and Madison. DHFS may also request that USDA ship directly to those local agencies (minimal number) that meet the required criteria for receipt of TEFAP commodities, i.e., have a USDA entity code assigned and capacity to be able to accept at least 25 percent of a truckload according to the storage and handling requirements of USDA.

**It is the responsibility of the EFO or its agents to verify the kinds, quantities and condition of the commodities at the time of receipt. In the event of a discrepancy, the information must be noted on the Commodity Invoice (PI-1412) and signed and dated by the receiving EFO and the trucker.**

### **Accepting and Unloading Trucks**

Distribution sites in Wisconsin may receive their commodities by various methods. The method of delivery is determined by each EFO. However, the EFO cannot charge a delivery fee to outlets for TEFAP commodities. EFOs must account for TEFAP commodities released to each outlet on the Verification of Transfer form (CFS-2000) which records the amount and kind of product received and the signature of the outlet representative receiving the commodities. (Any form substitution must meet with DHFS approval.) EFOs are responsible for the proper maintenance of records.

**Outlets may use volunteers and/or paid staff to unload the truck, however safety must always be emphasized to avoid injuries.**

Outlets may have income-eligible recipients, who are willing, to volunteer with the unloading of commodities. This type of activity cannot be made a requirement to receive commodities, nor can it be used as an in-kind agreement for volunteers to receive more TEFAP products than they would normally receive.

Whoever unloads the product must be made aware of the importance of counting the product as the shipment is received. Accurate accounting of TEFAP commodities will be impossible if an exact count is not made when the product is unloaded. The necessity of checking for damaged or spoiled product must also be stressed. Per DPI procedures, if product is damaged the EFO must accept the product, have the damaged product initialed by the trucker on both the trucker's and the EFO's copy of the signed invoice, and notify DPI to report the damaged product.

For delivery scheduling, please contact Midwest Perishables, Inc (MPI) directly at 608/273-8000 extension 0.

**For warehousing and carrier service questions or concerns, or for further information regarding notices of offer or delivery, please contact DPI.**

**The contact person at DPI is: Lisa Byers, Distribution Coordinator  
USDA Commodity Distribution Section  
608/267-9119, e-mail: [lisa.byers@dpi.state.wi.us](mailto:lisa.byers@dpi.state.wi.us)**

## COMMODITY STORAGE, HANDLING AND LIABILITY

### **Commodity Liability**

When physical delivery of commodities is taken, the EFO assumes responsibility for the safekeeping of product. The EFO also assumes liability for the value of the commodities should a loss occur due to negligence in storage, theft, and/or handling. Although commodities are provided without cost by USDA, there is a value assigned to each product that includes USDA's cost of purchasing, processing and distribution of the commodities to states. At the minimum, **the EFO must have insurance or proof of unencumbered assets to cover the value of the maximum quantity of commodities expected in possession at any one time, in the event of commodity loss.**

In order to guarantee the quality and safety of TEFAP commodities, the EFO and the outlets are responsible for the proper handling, care and storage of commodities. It is recommended that agencies mark the cases with the date received to facilitate inventory rotation (first in, first out). Every effort must be made to reduce loss due to spoilage, pest infestation and theft or fraud by following accepted warehousing methods. This action not only ensures that quality products are being distributed, but also protects the EFO from claim action by the State of Wisconsin or USDA to recover the value of the spoiled or lost product.

### **Storage Requirements**

All outlets must provide proper storage facilities for the commodities received from an EFO. All outlets must comply with the same storage and handling regulations that apply to the EFO. Those regulations include any directives from USDA, DHFS, Wisconsin Division of Public Health and the local public health department.

**It is the responsibility of the EFO to know and follow proper food storage and food handling regulations and applicable laws.**

Some examples include maintaining storage temperature for all **frozen commodities at zero degrees Fahrenheit or lower**. The temperature for frozen commodities should not be higher than ten degrees Fahrenheit during transport. **Refrigerated commodities must be stored between 35 and 40 degrees Fahrenheit**. Optimal dry storage temperature should be between 40 and 70 degrees Fahrenheit. There must be thermometers in all freezers, refrigerators and dry storage areas. Temperatures must be checked and logged regularly to verify proper storage conditions; and temperatures adjusted as necessary. Humidity within all storage areas must be controlled to prevent rapid deterioration in the quality of food. Installation of fans, dehumidifiers and insulation may be necessary.

Cleaning schedules and commodity inspection for spoilage must be maintained and logged. To maximize product freshness, commodities should be issued on a first in, first out (FIFO) basis. Food must be kept off the floor on pallets, platforms or shelves, and at least four (4) inches from walls and (2) feet from ceilings to allow for appropriate cleaning, air circulation and pest control. Commodities must not be stacked higher than the EFO or outlet can safely accommodate.

**Storing, preparing and distributing food in a safe manner and complying with public health laws and standards is vital to the success and continuation of TEFAP.**

The subcontract signed with the outlets does not relieve the EFO of its contractual obligations to DHFS. **The EFO remains responsible for assuring that the outlets under contract provide proper handling, care and storage of TEFAP commodities and other donated food.** EFOs and outlets will be held liable if they knowingly distribute commodities that are spoiled.

**Additional resources and assistance in maintaining a safe food storage, preparation, and distribution site may be found through city and county health departments and UW Extension offices.**

### **Fraud**

The EFO and local law enforcement must investigate founded allegations that commodities have been embezzled, misapplied, stolen, obtained through fraud, sold or otherwise disposed of in commercial channels. The EFO will report all losses and the action taken by the EFO and local law enforcement agencies on the Report of TEFAP Commodity Loss form (CFS-2004).

### **TEFAP Losses**

The EFOs assume liability for the value of TEFAP commodities if a loss occurs because of negligence in storage or handling in accordance with 7 CFR Parts 250 and 251 and may be held liable for the value of lost commodities. The DHFS requires that EFOs explain all losses, including those experienced by their outlets. EFOs must balance on a monthly basis the amount of commodities they received and the amount distributed. TEFAP does not recognize a “shrink” factor, as all commodities must be accounted for. DHFS is required by federal regulations to pursue recovery of the value of all food lost due to negligence if the value of the food exceeds \$100. Losses under \$100 will not be disregarded if there is evidence of fraud or negligence. DHFS must be contacted immediately by telephone if any major loss occurs.

Loss of commodities, resulting from spoilage, damage or theft having a value that **exceeds \$100**, must be reported immediately by phone to DHFS. The EFO must also submit a detailed report on the forms provided by DHFS within 15 days of the occurrence. Loss of commodities having a value less than \$100 must be reported to DHFS within 15 days of the occurrence. The EFO and its outlets may not dispose of any commodities without first notifying DHFS, unless it is an immediate public safety concern.

## **Damaged and/or Out-of-Condition Product**

**It is the responsibility of the EFO or its agents to verify the kinds, quantities and condition of the commodities at the time of receipt.** In the event of a discrepancy or delivery of damaged product, the information must be noted on the Commodity Invoice (PI-1412) and signed and dated by the receiving EFO and the trucker. As stated previously, if product is damaged upon delivery the EFO must accept the product and notify DPI to report the damaged product.

Out-of-condition products are those commodities that appear to have come from the processor contaminated, deteriorated, spoiled, infested, or with latent defects in packaging. All commodities must be inspected upon receipt. Cans that are leaking, bulging, have sharp dents, or rust on the seams are examples of out-of-condition products. The EFO and its outlets may not dispose of any “out-of condition” product without first notifying DHFS since USDA may require samples of the product. The product must be isolated if it presents a health or contamination hazard.

**If foreign matter such as glass or metal is found in a product, the situation should be treated as an emergency and DHFS TEFAP program staff must be contacted immediately at 608/266-3362 or 608/266-8001.** If DHFS staff is not available, and an emergency commodity complaint occurs, the EFO should notify USDA. The USDA Commodity Complaint Hotline number is: 1-800-446-6991.

The following information will help identify the product:

- The name of the product and if known, the USDA Commodity Code.
- The nature of the problem and whether anyone reported feeling sick from consuming the product.
- The extent of the problem (e.g., the number of cases, pounds, truckloads, etc.).
- The location of the product.
- Delivery order information should include: contract number, notice of delivery number, lot number, and can codes (if applicable).

## **Food Safety Alert**

After receiving a Food Safety Alert from USDA, TEFAP program staff will notify each EFO within 24 hours via e-mail or telephone. The EFO must respond by e-mail or telephone to verify that the notification was relayed to their respective outlets.

## **USDA Website**

The USDA website ([www.usda.gov](http://www.usda.gov)) is an excellent resource for TEFAP information, food safety, food recovery, commodity fact sheets, recipes, and legislation.

## **ADVISORY COUNCILS**

### **TEFAP Advisory Council**

The TEFAP Advisory Council is comprised of representatives from each Emergency Feeding Organizations (EFO), the Wisconsin Community Action Program Association (WISCAP), the Wisconsin Department of Health and Family Services (DHFS) and the USDA Food Security Liaison for Wisconsin. Agencies or persons that administer the program under a subcontract with EFOs are also invited to participate as members of the Council.

This body acts both as an advisory and working committee to DHFS and as a vehicle for enhanced communication between the State and other related local and government agencies. Policies, procedures and issues concerning the program are presented to the Council for discussion and recommendation. Other EFO staff, volunteers or interested parties may address their concerns or questions in writing to the Council to be discussed at future meetings. Meetings are held approximately four times per year. The Council operates through consensus; however, DHFS reserves the right to final decisions.

### **Wisconsin Food Security Consortium**

The Department of Health and Family Services, Division of Children and Family Services (DHFS/DCFS) and Miller Brewing Company have formed the Wisconsin Food Security Consortium, which serves as a statewide advisory and working committee to the Division of Children and Family Services. The Consortium brings together the expertise and dedication of state, local and government agencies, businesses, and community organizations to examine food security issues in Wisconsin and catalyze new solutions, resources and partnerships to make measurable improvements in food security for low-income citizens. The Consortium provides a tremendous opportunity to forge new public/private partnerships to help move families up the food security continuum – from dependence on emergency food toward greater economic and nutritional self-sufficiency.



## **GLOSSARY OF TERMS**

- TEFAP** The Emergency Food Assistance Program; TEFAP was first authorized as the Temporary Emergency Food Assistance Program in 1981 to distribute surplus commodities to households. The name was changed to The Emergency Food Assistance Program under the 1990 Farm Bill. The program was designed to help reduce federal food inventories and storage costs while assisting the needy. The Hunger Prevention Act of 1988 authorized funds to be appropriated for the purchase of commodities specifically for TEFAP. Foods acquired with appropriated funds (entitlement) are in addition to any surplus commodities (bonus) donated to TEFAP by USDA.
- USDA/FNS** The United States Department of Agriculture/Food and Nutrition Service is the federal agency responsible for federal aspects of TEFAP as well as other federal agriculture and nutrition programs.
- DHFS** The Wisconsin Department of Health and Family Services is the designated state agency responsible for the administration of TEFAP in Wisconsin.
- DCFS** The Division of Children and Family Services is the division within the DHFS responsible for statewide administration of TEFAP.
- FFY** An accounting and contract period that begins on October 1 and ends September 30 of the following year, e.g., Federal Fiscal Year (FFY) 2002 begins on October 1, 2001 and ends September 30, 2002.
- Commodities**-Food items made available for donation by the United States Department of Agriculture. The USDA/FNS requires states to give priority for the distribution of TEFAP commodities to organizations that meet the definition of an Emergency Feeding Organization (EFO).
- Non-USDA Donated Food** –  
Unless otherwise distinguished, refers to privately or commercially donated food, food obtained from a Second Harvest or similar type food bank, or food purchased with monetary donations.
- Emergency Feeding Organization (EFO)** –  
A public or not-for-profit organization which has maintained an established operation for a period of not less than two years involving the distribution of food to needy persons as a primary part of their normal activities.
- Distribution Site** –  
The physical location (pantry or soup kitchen) where TEFAP commodities are actually given to eligible persons.

**Food Pantry-** A public or private non-profit organization that distributes food to low income and unemployed households to relieve situations of emergency and distress.

For TEFAP eligibility, a pantry must have maintained an established operation providing food to needy persons on a regular basis for at least two years; be open to the general community for a designated geographic service area; provide donated food in sufficient variety and quantity to meet the nutritional needs of a family or individual for a brief period of time until other resources are available; maintain regularly scheduled and consistent operating hours and provide emergency access to food on a continuous basis; not diminish its fundraising activities in lieu of receipt of commodities; and must not restrict participation in TEFAP for reasons other than income eligibility and residency in its service area.

**Soup Kitchen –**

A public or charitable institution that, as an integral part of its normal activities, maintains an established feeding operation to provide food to needy persons on a regular basis. These meal sites are often located in institutions that provide temporary or transitional shelter for the homeless, runaway youth, and victims of domestic abuse and their children; as well as religious institutions.

For TEFAP eligibility, a soup kitchen must be an established operation with at least two years prior experience in providing food to homeless or transient persons and others in need, have regularly scheduled and consistent operating hours, and serve nutritious meals in a clean, secure environment.

**EDI** Electronic Data Interchange: computer program by which the states can electronically place, and monitor status of, food orders to USDA.

**CFR** Code of Federal Regulations: codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. Federal regulations specific to TEFAP are covered in Sections 250 and 251 of the CFR.

**WISCAP** Wisconsin Community Action Program Association is a contracted partner with Wisconsin TEFAP.

**Food Security –**

The USDA definition of food security: “When all people have physical and economic access to sufficient food to meet their dietary needs for a productive and healthy life.”